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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/404,398	09/23/1999	VIKTORS BERSTIS	AT9-99-525	8323

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EXAMINER

FARISS, TIMOTHY

ART UNIT

PAPER NUMBER

2162

DATE MAILED: 04/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/404,398

Applicant(s)

BERSTIS, VIKTORS

Examiner

Timothy Fariss

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached Detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☒ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3, 4 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

It is improper to list an unpublished U.S. Patent Application on an Information Disclosure Statement; therefore, the application listed on the IDS fields 8/30/01 were crossed out by the examiner.

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "Fig. 2" and "Fig. 2A" have both been used to designate Fig. 2A. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities: improper wording and missing information. Page 5, Line 1. Line 1 reads, "...are engage..." The applicant also needs to update the serial number and filing date of applications listed on page 1 of the specification. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-21 are rejected under 35 U.S.C. 102(e) as being unpatentable over Ogasawara (U.S. 6,123,259).

Claim 1 is rejected because Ogasawara discloses a method for providing a location of products to a customer in a retail environment comprising:

a. attaching a product locator to a shopping aid utilized within a retail environment (Column 4, Lines 40-44), a product locator having an access point for entering a customer ID (Column 10, 25-41), a signaling mechanism for alerting a customer to a location of a desired product and program for identifying a desired product (Fig. 1; Column 6, Lines 37-59);

b. linking a customer ID to a user specified product (Column 10, Lines 25-41);

c. determining the location of a desired product (Column 6, Lines 37-59);

d. signaling to a customer the location of a desired product (Fig 1.; Column 6, Lines 37-59).

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Claims 8 and 15 are rejected based on the same analysis given for the rejection of Claim 1.

Claim 2 is rejected because Ogasawara discloses a base unit and portable unit (Fig. 1) comprising:

- a. receiving product signals being projected within a retail environment using signal sensor (Column 5, Lines 19-24);
- b. transmitting product signals back to a base unit (Column 5, Lines 26-29).

Claims 9 and 16 are rejected based on the same analysis given for the rejection of Claim 2.

Claim 3 is rejected because Ogasawara discloses:

- a. receiving product signals transmitted by said portable unit utilizing a receiver of said base unit (Column 5, Lines 19-24);
- b. comparing product signals with said desired products (Column 9, Lines 8-15);
- c. signaling back to portable unit when a match is found (Column 9, Lines 8-15);
- d. alerting a customer with respect to the location of a desired product (Column 9, Lines 8-15).

Claims 10 and 17 are rejected based on the same analysis given for the rejection of Claim 3.

Claim 4 is rejected because Ogasawara discloses the installation of a signaling mechanism for projecting product and location information within a retail environment (Fig 1.; Column 6, Lines 37-59).

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Claims 11 and 18 are rejected based on the same analysis given for the rejection of Claim 4.

Claim 5 is rejected because Ogasawara discloses visually displaying a location of a product on a display screen (Fig. 8; Column 9, Lines 38-44).

Claims 12 and 19 are rejected based on the same analysis given for the rejection of Claim 5.

Claim 6 is rejected because Ogasawara discloses printing a report of including a list of desired products and their location (Fig. 7; Column 8, Lines 1-27).

Claims 13 and 20 are rejected based on the same analysis given for the rejection of Claim 6.

Claim 7 is rejected because Ogasawara discloses linking a tag to a customer ID (Column 10, Lines 25-41) and allowing the application of product promotions to be generated at the cash register (Column 15, Lines 51-67; Column 16, Lines 1-11).

Claims 14 and 21 are rejected based on the same analysis given for the rejection of Claim 7.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jelen et al. (U.S. 6,129,276) teaches a remote network device for acquiring shopping list information.

Revesz et al. (U.S. 4,962,466) teaches an electronic product information system connected to an infrared network.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy Fariss whose telephone number is (703) 305-4569. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, can be reached at (703) 305-8469.

The fax numbers for Formal or Official faxes to Technology Center 2100 are (703) 746-7239. Draft or Informal faxes for this Examiner can be submitted to (703) 746-8495. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

tbf

03/28/02

  
ERIC W. STAMBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100